

The Chairman, Christopher Fejes, called the meeting to order at 7:30 P.M., on Tuesday, June 19, 2001.

PRESENT: Kenneth Courtney
Christopher Fejes
Michael Hutson
Matthew Kovacs
Mark Maxwell
David Waller

ALSO PRESENT: Mark Stimac
Bob Davisson
Pam Pasternak

ABSENT: Marcia Gies

The Building Department had received a letter from Mrs. Gies stating that she would be out of town for this meeting.

Motion by Courtney
Supported by Maxwell

MOVED, to excuse Mrs. Gies from this meeting as she is out of town.

Yeas: 6 – Fejes, Hutson, Kovacs, Maxwell, Waller, Courtney

MOTION TO EXCUSE MRS. GIES CARRIED

ITEM #1 – APPROVAL OF MINUTES OF MEETING OF MAY 15, 2001.

Motion by Courtney
Supported by Maxwell

MOTION to approve the minutes of the meeting of May 15, 2001 as written.

Yeas: 5 – Hutson, Kovacs, Maxwell, Courtney, Fejes
Abstain: 1 – Waller

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF MAY 15, 2001 AS WRITTEN.

ITEM #2 – VARIANCE REQUESTED. MR. DAN SIMIONESCU, 691 OTTAWA, for relief of the Zoning Ordinance to permit 2960 square feet of accessory buildings where 1866 square feet are permitted by Section 40.57.04 and for approval to construct a barn per Section 40.57.10.

ITEM #2

Mr. Stimac explained that Mr. Simionescu is requesting relief of the Zoning Ordinance to construct a barn. The plans submitted indicate a proposed 1520 square foot barn located behind an existing 1440 square foot detached garage that will result in 2960 square feet of accessory buildings. Section 40.57.04 limits the size of accessory buildings on a parcel to 600 square feet or one-half the ground floor area of the main building whichever is greater. Because the main building on this site covers 3732 square feet, accessory buildings are limited to 1866 square feet. Also, Section 40.57.10 required Board of Zoning Appeals approval for the construction of a barn.

This item first appeared before the Board of Zoning Appeals at the meeting of May 15, 2001 and was tabled until this meeting to allow the Board members to take a closer look at this property to determine the hardship. This tabling also was to allow the petitioner to determine if he could decrease the size of his request and to allow him to present to the Board an interior layout showing why a building of this size is required.

Mr. Simionescu stated that his property is more than 2-acres and requires a large amount of lawn equipment for its maintenance. He further stated that he has a trailer, snow blowers and a tractor. He stated that he would also like to be able to use this building to store his hay. Mr. Simionescu also said that due to the placement of this barn it would not be visible to any of his neighbors, and would help to eliminate some of the mud that is created by the pen that he now keeps his animals in. Mr. Simionescu brought in pictures and a layout of the interior of the proposed barn. He stated that he had tried to work out a request for a smaller variance, but was unable to figure out how he could work everything into a smaller building.

Mr. Courtney asked Mr. Simionescu if he presently had two garages and Mr. Simionescu stated that he did. He parked cars in one and used the other for his tractor and in inclement weather, this building was used to house the animals.

Mr. Maxwell asked Mr. Simionescu to describe what kind of animals he had and Mr. Simionescu said that he has a horse, a donkey, two goats and a sheep. Mr. Maxwell then asked if Mr. Simionescu thought he could care for the animals properly without this building, and Mr. Simionescu stated that he feels they would get the best care if he had somewhere to house them in both the extreme heat and extreme cold.

There are four (4) written approvals on file. There are no written objections on file.

Mr. Hutson stated that he did not feel there was a physical hardship with the land and Mr. Simionescu stated that he couldn't get full use of this property without this variance. Mr. Maxwell stated that he feels that this is a very unique situation and that Mr. Simionescu's property can easily support this extra accessory building. Mr. Fejes stated that he had hoped that Mr. Simionescu would have come back to the Board with a request for a lesser variance request and Mr. Simionescu said that he had attempted

ITEM #2

to develop a plan asking for a smaller building, however, he feels that he needs this size of building to store everything he has.

Motion by Maxwell

Supported by Waller

MOVED, to grant Mr. Dan Simionescu relief of the Zoning Ordinance to construct an accessory building that will result in a total of 2960 square feet of accessory buildings where 1866 square feet are permitted and relief of the Zoning Ordinance to construct a barn.

- Property is large enough to support this building.
- Variance would not have an adverse effect on surrounding property.
- Barn would not be visible to surrounding neighbors.
- This variance is not contrary to public interest.

Yeas: 4 – Kovacs, Maxwell, Waller, Fejes

Nays: 2 – Hutson, Courtney

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUESTED. MR. MARC DYKES REPRESENTING HOME PROPERTIES, 2003-2281 LOVINGTON for relief of the Zoning Ordinance to construct carports at the Canterbury Square Apartments at the property line where a six foot setback is required by Section 40.57.05.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct carports at Canterbury Square. Section 40.57.05 requires a 6' minimum setback from an accessory building to any side or rear property line. The site plan submitted indicates the proposed carports constructed right up to the north and east property lines.

Mr. Marc Dykes representing Home Properties was present and stated that they are attempting to update this property and also provide amenities for the people who rent the apartments at this location. Mr. Dykes stated that they plan to have the carports back up to the existing 5' high screening wall, which will help to improve the appearance of these carports. Mr. Dykes further stated that the property to the north is currently zoned multi family.

Mr. Hutson asked Mr. Dykes if there was parking along the front of the apartments and if carports are constructed in this area. Mr. Dykes stated that they did not want to put carports in the front of the apartments in order to preserve the look of the buildings, as

ITEM #3

well as to keep the landscaping intact. Mr. Hutson then asked what the physical characteristics of the property were, that would require the carports to be constructed in

this area. Mr. Dykes stated that they wished to use the screening wall as a visual screen as well as a back wall for the carports. He further stated that there are not any constraints except for the fact that they would like to keep parking open in the front of the buildings.

Mr. Courtney asked if the carports were moved 6' back if that would place them in the middle of the drive and Mr. Dykes stated that this would make the drive smaller and a large amount of asphalt and cement would have to be moved. Mr. Stimac stated that the minimum requirement for a two-way drive is 24'. Mr. Waller asked if the carports did not back up to the concrete wall how would this extra space be filled in. Mr. Dykes said that presently the asphalt goes right to the concrete wall and they were hoping that the cement wall would act as the back of the carport.

Mr. Maxwell asked what impact the carports would have on neighboring property and Mr. Dykes stated that he felt it would be minimal. Mr. Dykes further stated that once you got above the third floor of the apartment building, you would probably be able to see the tops of the carports. Mr. Dykes also said that the property along Milverton is pretty well wooded and feels that this will also act as screening.

Mr. Waller advised Mr. Dykes that the City is presently looking into acquiring the land to the east to develop a subdivision park and Mr. Stimac stated that City Council had recently passed a resolution directing the City to acquire this land for a park. It was suggested that perhaps Mr. Dykes would like to wait for the request of a variance on the east side of the property, until a determination has been made as to what will happen to this property.

Mr. Kovacs asked Mr. Dykes if he had future plans for this property and Mr. Dykes stated that Home Properties has only owned this parcel of land approximately four years and they are trying to do many exterior improvements to the building. They would like to do the carports on the north side of the property now and on the east side of the property sometime in the future. Mr. Stimac explained that the Administration had decided that it would be easier for Mr. Dykes to come before the Board and ask for a variance for all the property at one time, rather than to come back to the Board on a reoccurring basis asking for a variance for each area. Mr. Stimac further explained that based on the site plan submitted by Mr. Dykes the areas marked 1, 2, and 5 do not require a variance. The areas marked 3 and 4 on the north side of the property require a variance as well as the areas marked 6 and 7 on the east side of the property.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

ITEM #3

There is one written approval on file with the stipulation that he would approve the request for the variance if a fence or barrier were installed along the wooded area to help keep the litter from the apartments to a minimum.

There are no written objections on file.

Mr. Hutson brought up the fact that recently the City had changed the Ordinance to require landscaped berms in lieu of screening walls and wondered if a berm would be more appropriate. Mr. Stimac stated that this was applicable mainly where Churches abuts to single family residential zoned property and that a 4'-6" wall would still be required for property that is zoned multi-family.

Motion by Waller
Supported by Courtney

MOVED, to grant Mr. Marc Dykes, representing Home Properties, a variance for relief of the Zoning Ordinance to construct carports at the Canterbury Square Apartments at the property line on the north side, depicted on the site plan submitted as areas 3 and 4.

- The location of the existing site improvements make compliance with the requirements overly burdensome.
- Variance is not contrary to public interest.
- Petitioner to become fully aware of plan for the property on the east side of this complex.
- Variance will not have an adverse effect on surrounding property.
- Variance will not establish a prohibited use.

Yeas: 5 – Kovacs, Maxwell, Waller, Courtney, Fejes
Nays: 1 – Hutson

MOTION TO GRANT VARIANCE FOR AREAS ON THE NORTH PROPERTY LINE,
DESIGNATED AS 3 AND 4 ON SITE PLAN CARRIED

The petitioner withdrew his request for a variance on areas depicted as 6 and 7 on the site plan submitted. The Board took no further action.

ITEM #4 – VARIANCE REQUESTED. MR. JOHN ARDNER, 2387 TOPAZ for approval to construct a freestanding gazebo as required by Section 40.57.10.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a freestanding gazebo. Section 40.57.10 of the Zoning Ordinance required Board of Zoning Appeals approval for construction of a gazebo. Mr. Stimac further

ITEM #4

stated that the petitioner is not required to meet the hardship requirements for a gazebo.

Mr. Ardner was present and stated that he and his wife have lived in the Troy area for over twenty (20) years and his wife would like a gazebo in the yard.

Mr. Maxwell asked if there were any other accessory buildings on the property and Mr. Ardner stated that there were not any other buildings on this property.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Maxwell
Supported by Courtney

MOVED, to grant Mr. John Ardner, 2387 Topaz approval to construct a freestanding gazebo as required by Section 40.57.10.

- This variance will not cause the property to be overbuilt.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: 6 – Waller, Courtney, Fejes, Hutson, Kovacs, Maxwell

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. MR. JOHN BEDNARSKI, 456 STARR for relief of the Zoning Ordinance to construct a 750 square foot detached garage where 621 square feet are permitted by Section 40.57.04.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a detached garage. Section 40.57.04 limits the area of all accessory buildings on a parcel of land to 600 square feet or one-half the ground floor area of the main building whichever is greater. The plans submitted indicate a 750 square foot detached garage. The footprint of the house is 1,242 square feet, which limits the size of accessory buildings on this site to 621 square feet.

Mr. John Bednarski was present and stated that the reason he would like to construct this size garage is to park two vehicles inside as well as keep his lawn equipment and other tools. He stated that this home has a basement that is only 200' square feet with

ITEM #5

a height clearance of approximately 5'-11". Mr. Bednarski further stated that there is only enough room for a laundry area, a furnace and his water heater. He said that he would like to have extra room for storage. Mr. Bednarski also said that he had spoken to his neighbors and they indicated that they did not object to this variance.

Mr. Waller asked how many people live in the home and Mr. Bednarski replied that there are three adults and each has their own car.

Mr. Fejes asked what recourse Mr. Bednarski would have if this variance were not granted and Mr. Bednarski stated that he probably would not build anything. Mr. Bednarski further stated that he had thought of attaching the garage to the home, however, he was afraid that too many additions would not make this home aesthetically pleasing. Mr. Bednarski also stated that if he attached the garage, he would have to remove an existing sunroom. Mr. Bednarski further explained that eventually he would like to build a new home on the site.

Mr. Courtney asked Mr. Bednarski why he felt he needed the depth of the garage to be 32'. Mr. Bednarski explained that this would allow him to park his pickup truck as well as his work van, and still have extra room for the storage of lawn equipment as well as numerous tools that he owns.

Mr. Maxwell asked if attaching the garage to the house would improve the area and Mr. Bednarski stated that he would have to remove a number of very large mature trees. Mr. Bednarski further stated that his home was originally built in 1928 and added on to in 1968. Mr. Bednarski is concerned that attaching the garage may give the appearance of the home being chopped up. Mr. Kovacs asked if the proposed location of the garage would require Mr. Bednarski to remove a tree that is located very close to it. Mr. Bednarski replied that he had measured the area and was quite sure the garage would not endanger this tree.

The Chairman opened the Public Hearing.

Mr. Kurt Hahn of 473 Starr was present and stated that he approves of this variance.

No one else wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There is one (1) written objection on file.

Motion by Maxwell
Supported by Kovacs

ITEM #5

MOVED, to grant Mr. John Bednarski, 456 Starr relief of the Zoning Ordinance to construct a 750 square foot detached garage where 621 square feet are permitted by Section 40.57.04.

- The lot is larger than the standard lot in this area.
- The existing home has little usable basement area.
- Variance request is reasonable.
- This variance would not have an adverse effect on surrounding property.
- This variance is not contrary to public interest.
- Conforming is unnecessarily burdensome.

Yeas: 5 – Fejes, Hutson, Kovacs, Maxwell, Waller
Nays: 1 – Courtney

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUESTED. MR. & MRS. JOE SANDOVAL, 5338 CROWFOOT, for relief of the Zoning Ordinance to construct a sunroom addition with a 32.8' rear yard setback where 40' is required by Section 30.10.04.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a sunroom addition. Section 30.10.04 requires a 40' minimum rear yard setback in the R1C Zoning District. The site plan submitted indicates a 32.8' rear yard setback to the proposed sunroom.

Mr. Bob Pelzel, of Temo's Sunrooms was present representing the Sandoval's and stated that this sunroom was going to be constructed of 70% glass in an effort to keep the impact on any neighboring property to a minimum. Mr. Pelzel went on to say that there are a lot of trees on the property and because of this there are a lot of bugs. Mr. Pelzel stated that the Sandoval's would like to be able to sit outside and enjoy their property. Mr. Pelzel further stated that there is a school behind this property and that this lot is only 125' deep.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

Motion by Waller
Supported by Hutson

ITEM #6

MOVED, to grant Mr. and Mrs. Sandoval relief of the Zoning Ordinance to construct a sunroom addition with a 32.8' rear yard setback where 40' is required by Section 30.10.04.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- The property immediately behind is a school site.
- Position at center of home minimizes impact on adjacent homes.
- Addition is 70% glass.
- This variance will not establish a prohibited use.

Yeas: 6 – Courtney, Fejes, Hutson, Kovacs, Maxwell, Waller

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUESTED. CONSERVATIONS UNLIMITED, 3513

SHERWOOD, for relief of the rear yard setback to construct a sunroom with a 33'-6" rear yard setback where a 35' rear yard setback is required by Section 34.20.03.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a sunroom addition. Section 34.20.03 requires a 35' minimum rear yard setback in the R-1C Zoning District in subdivisions developed using the open space option. The site plan submitted indicates a rear yard sunroom addition with a proposed 33'-6" rear yard setback.

Mr. Robert Clark, of Conservations Unlimited was present and stated that this was an all glass structure which would be used as an enclosure for a hot tub. Mr. Clark also stated that they could not put it in any other location because there is a doorway located on one side of the proposed location, and in order to move this doorway they would then have to take down kitchen cupboards. Mr. Clark further stated that there is a large wooded area behind the home. Mr. Stimac explained that the area to the east is reserved as a park site, which is part of the subdivision.

Mr. Courtney asked if there was any way they could cut one foot off of this structure and Mr. Clark stated that he had planned it as close to the chimney as he could and would not be able to put it in another location.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

ITEM #7

Motion by Maxwell

Supported by Courtney

MOVED, to grant Conservations Unlimited relief of the rear yard setback to construct a sunroom with a 33'-6" rear yard setback where a 35' rear yard setback is required by Section 34.20.03.

- Variance request is minimal.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- The property to the rear is a common park area.

Yeas: 6 – Fejes, Hutson, Kovacs, Maxwell, Waller, Courtney

MOTION TO GRANT VARIANCE CARRIED

Mr. Hutson stated that his firm represented the petitioner for Item #8, Mr. McComb, and suggested that he be excused.

Motion by Maxwell
Supported by Hutson

MOVED, to excuse Mr. Hutson from hearing Item #8 due to the appearance of a conflict of interest.

Yeas: 4 – Kovacs, Maxwell, Waller, Fejes
Nays: 1 – Courtney

MOTION TO EXCUSE MR. HUTSON CARRIED

ITEM #8 – VARIANCE REQUESTED. MR. BOB MCCOMB, 1343 BURNS

(PROPOSED ADDRESS), for relief of the Zoning Ordinance to divide a parcel of property resulting in a 75.55' wide parcel where 76.5' width is required by Sections 34.10.00 and 30.10.03.

Mr. Stimac explained that the petitioner recently developed a five lot residential subdivision. Based upon the size of the original parcel, there was not enough land to create six lots. Two of the lots along the north side of the subdivision were platted at the minimum lot width while the westernmost lot was platted with all of the extra land. The petitioner is now requesting to divide that parcel of land into two buildable sites. Utilizing the lot averaging provisions of Section 34.10.00 of the Troy Zoning Ordinance, each lot in the R1C Zoning District requires 76.5' of lot width. The site plan submitted indicates that the proposed split would result in one parcel having 75.55' of lot width.

ITEM #8

Mr. Maxwell asked if the lot were split would it cause a drainage problem and Mr. Stimac stated that the coverage factor for retention design as part of the subdivision is 30% whether it is one lot or two. Mr. Courtney asked Mr. Stimac who subdivided this parcel and Mr. Stimac replied that it was the current petitioner.

Mr. McComb was present and stated that they had changed the drainage on this site due to the fact that there was a pond at the back of the property. Mr. McComb also said that they went down the property lines and put in catch basins for each piece of property. He further stated that if there is standing water at the back of the property, it may be due to the ground settling.

Mr. McComb also said that he had attempted to purchase more land to make this lot comply with the Ordinance, however, the owners of the adjacent property did not wish to

sell. Mr. McComb further stated that this is a high-density subdivision and hopefully part of the vacant property would be used as a road easement. Mr. McComb feels that this variance would be in keeping this lot in line with other lots in the area. Mr. McComb also said that if the variance was not granted, they would end up with four lots that are 76.5' wide and one lot that would end up to be 150' wide. He does not feel that this would be consistent with the other lots in the area.

Mr. Courtney asked if Mr. McComb had gotten as many lots as he could when he was subdividing this lot and Mr. McComb stated that he had. Mr. McComb also said that he had worked very closely with the City, however, he would like this property to yield as many lots as possible. Mr. Courtney asked if Mr. McComb could have made the lots bigger and Mr. McComb again replied that due to the fact that this would result in less density he would say "no". Mr. Courtney then asked when final approval was granted on this subdivision and Mr. Stimac stated that he thought it was back in 1997.

Mr. Kovacs asked if all of these lots were sold and Mr. McComb replied that they were not. Mr. Kovacs asked what type of home Mr. McComb planned to build and he stated that he uses several different plans, but that any of them would fit in the envelope of the proposed property. Mr. Courtney asked if he could have taken any land away from the other lots and Mr. McComb stated that they are at the minimum now. Mr. McComb also stated that the proposed lots exceed the minimum size required by approximately 5,000 square feet. Mr. Kovacs asked that since Burns was a dead end street if Mr. McComb was aware of any plans to add an access road. Mr. Stimac stated that the current zoning is single family and he thought that the property would be developed with a road going out to Wattles.

The Chairman opened the Public Hearing.

Mr. and Mrs. Russell Hadley, 1250 East Wattles, were present and stated that they objected to this variance. Mr. Hadley stated that they were the original owners of this property and had come to the City asking if they could split this parcel into six (6) lots.

ITEM #8

Mr. Hadley said that someone in the City told them that it could not be done and since they had a child in college, they decided to sell the parcel. They feel that they could have gotten more money for this property, if they would have known that it could be split into six (6) lots.

No one else wished to be heard and the Public Hearing was closed.

There are three written objections on file. There are no written approvals.

Mr. Fejes asked Mr. Stimac if builders received special consideration over landowners and was told that everyone gets the same consideration. Mr. Stimac stated that it was possible that the reason they were told that this parcel could not be split was because they had to plat the area first. Mr. Stimac stated that Mr. McComb was also told that he could not split this property into six lots.

Mr. McComb stated that he felt that he had paid a fair price for the land due to the fact that it was advertised in the paper, and he gave the real estate company the asking price.

Motion by Maxwell
Supported by Waller

MOVED, to grant Mr. Bob McComb relief of the Zoning Ordinance to divide a parcel of property resulting in a 75.55' wide parcel where 76.5' width is required by Sections 34.10.00 and 30.10.03.

- Variance request is small.
- Variance is not contrary to public interest.
- The resultant lots exceed the square footage required by more than 50%.

Yeas: 5 – Kovacs, Maxwell, Waller, Courtney, Fejes
Excused: 1 – Hutson

MOTION TO GRANT VARIANCE CARRIED

A ten-minute break was called at 9:50 P.M. The Board of Zoning appeals meeting resumed at 10:00 P.M.

ITEM #9 – VARIANCE REQUESTED. MR. & MRS. JOHN KLEIN, 2833 SUNRIDGE, for relief of the Zoning Ordinance to expand a legal non-conforming structure and construct an addition with a 37.69' rear yard setback and a 5.13' side yard setback where Section 30.10.02 requires a 45' rear yard setback and a 10' minimum side yard setback.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct an addition to their home. The permit application indicates a 4.1' side yard setback to the existing home. The permit application further indicates a proposed addition with a 37.69' rear yard setback and a 5.13' side yard setback. Section 30.10.02 requires a 45' rear yard setback and a 10' minimum side yard setback in the R1B Zoning District. The existing structure was built prior to the current setback regulations and therefore is a legal non-conforming structure. However, Section 40.50.04 prohibits expansions to non-conforming structures in a way that increases its non-conformity. Petitioners are asking for approval of the expansion of the non-conforming structure as well as relief of the side and rear setbacks.

Mr. Richard Kalt, Architect representing Mr. and Mrs. Klein was present and stated that basically they wished to enlarge both the kitchen, breakfast nook and family room. Mr. Kalt

stated that this home was built in 1963 and the Klein's' need the extra room to accommodate their growing family. Mr. Kalt further stated that this was a small, irregular shaped lot and they were unable to put this addition straight back. Mr. Kalt said that he had gone through the subdivision and determined that there are only six (6) lots out of 317 that have this type of configuration. Mr. Kalt also said that none of the neighbors have objected to this addition.

Mr. Waller asked how close the next house was to this home and Mr. Kalt stated that it was 20.2'. Mr. Maxwell asked if the addition would be built over the existing slab and Mr. Kalt stated that they plan to take out the slab and construct the addition on a crawl space.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

Motion by Courtney
Supported by Maxwell

ITEM #9

MOVED, to grant Mr. and Mrs. John Klein, 2833 Sunridge, relief of the Zoning Ordinance to expand a legal non-conforming structure and construct an addition with a 37.69' rear yard setback and a 5.13' side yard setback where Section 30.10.02 requires a 45' rear yard setback and a 10' minimum side yard setback.

- The lot is small in comparison to other lots in the subdivision.
- Irregular shape of lot makes conforming to the Ordinance unnecessarily burdensome.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: 6 – Kovacs, Maxwell, Waller, Courtney, Fejes, Hutson

MOTION TO GRANT VARIANCE CARRIED

ITEM #10 – VARIANCE REQUESTED. MR. ANTHONY LOGUE, 2651 E. SQUARE LAKE, for relief of the rear yard setback to expand a legal non-conforming structure and construct an addition with a 25.1' rear yard setback where Section 30.10.05 requires a 40' rear yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a second floor addition to an existing residence. The permit application indicates a 25.1' rear yard setback to the existing home. Section 30.10.05 requires a 40' rear yard setback in the R1D Zoning District. Based upon the age of this structure it is classified as a legal non-conforming structure. The plans also indicate a proposed second floor addition that will continue this 25.1' setback. Section 40.50.04 prohibits expansions to non-conforming structures in a way, which increases its non-conformity.

Petitioners are asking for approval of the expansion of the non-conforming structure as well as relief of the rear yard setback.

Mr. Anthony Logue was present and stated that his family has lived in the home for eleven years and he and his wife have three children. Mr. Logue stated that he and his wife would like all of the bedrooms on the second floor. Mr. Logue further stated that with four males in the house he would like to be able to provide his wife with her own bathroom. Mr. Logue also said that he believed this would be the most practical way to design the addition because they could put one bathroom over the existing bathroom and the other over the kitchen area where there is existing plumbing. Mr. Logue also stated that the back of the property has a great number of trees and does not believe this addition would be intrusive to other neighbors.

ITEM #10

Mr. Kovacs asked if he planned to hire a contractor and Mr. Logue said that he did. Mr. Courtney asked if they had looked at the possibility of moving rather than adding on this residence and Mr. Logue stated that they had, however, this home has a lot on the side which he uses for soccer practices as he coaches a soccer team. Mr. Logue further stated that it is very difficult to find a large lot in the City.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written objection on file. There are no written approvals on file.

Mr. Kovacs asked how the property was zoned on the north side of Square Lake and Mr. Stimac stated that this property was zoned Single Family Residential. Mr. Courtney asked how close this home was to the right-of-way on Square Lake and Mr. Stimac stated that it was setback 32.5' from the future 60' right-of-way. Mr. Courtney asked if there were any plans to widen Square Lake beyond the 60' right-of-way and Mr. Stimac replied that he was not aware of any.

Motion by Hutson
Supported by Courtney

MOVED, to grant Mr. Anthony Logue, 2651 E. Square Lake, relief to expand a legal non-conforming structure with a second floor addition with a 25.1' rear yard setback where Section 30.10.05 requires a 40' rear yard setback.

- The addition does not increase the footprint.
- Conformance would be unnecessarily burdensome.
- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.

Yeas: 6 – Maxwell, Waller, Courtney, Fejes, Hutson, Kovacs

MOTION TO GRANT VARIANCE CARRIED

ITEM #11 – VARIANCE REQUESTED. MS. LISAMARIE CLOUSE, 111 BLANCHE, for relief of the Zoning Ordinance to construct a barn as required by Section 40.57.10.

Mr. Stimac explained that the petitioner is requesting approval of the Board of Zoning Appeals to construct a barn to house two “mini” horses. Section 40.57.10 requires approval of the Board of Zoning Appeals for the construction of a barn. Mr. Stimac also explained that the petitioner has recently purchased a portion of the rear of the adjacent property to the west so that she can comply with the minimum parcel size of $\frac{3}{4}$ acre required by Section 28.5 of Chapter 90 (Animal Ordinance) of the City Code.

Ms. Clouse was present and stated that she has purchased two (2) miniature horses and she bought this property so that she would be able to have them at home. The horses are 36” and 38” high. Ms. Clouse also stated that she had confirmed with Animal Control that she would be able to keep these horses on her property. Ms. Clouse purchased additional land from her neighbors in order to meet the land requirements for keeping animals.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Maxwell

Supported by Kovacs

MOVED, to grant Ms. Lisamarie Clouse, 111 Blanche, relief of the Zoning Ordinance to construct a barn as required by Section 40.57.10.

- Other provisions of lot coverage and area of buildings will be met.
- Variance will not have an adverse effect on surrounding property.
- Variance is not contrary to public interest.

Yeas: 6 – Waller, Courtney, Fejes, Hutson, Kovacs, Maxwell

MOTION TO GRANT VARIANCE CARRIED

Mr. Fejes informed the Board that he will be out of town for the July 17, 2001 meeting.

The Board of Zoning Appeals meeting adjourned at 10:34 P.M.

MS/pp